

# ***MUNICIPALITY OF BETHEL PARK***

## **MINUTES OF REGULAR COUNCIL MEETING**

**Date:** March 9, 2015

**Time:** 7:30 P.M.

**Location:** Municipal Building

1. Roll Call

**Present:** Council Members Colella, Dixon, Gibbons, Hannan, Harrison, McLean and O'Brien

**Absent:** Council Members Moury and Pape

**Also Present:** Mayor Jack Allen; William J. Spagnol, Manager; Judith L. Miller, Assistant Manager; Robert L. McTiernan, Solicitor; Gerard Duke, Director of Community Services, Chief David Rogan; Chief Timothy O'Connor; Joseph Villella, Finance Director; Jean Statler, Municipal/Environmental Engineer

**Meeting Note:** Vice President Hannan served in the capacity of Acting President in the absence of Mr. Moury.

2. Pledge of Allegiance

3. Chair Announcement

There were no Chair Announcements

### **Reports of Officials**

4. Library Director's Report

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides services to inform, inspire and enrich the community.

Ms. McIntosh gave year end statistics for the Library. She reported that 44% of Bethel Park residents have a Library card. In addition, each cardholder borrowed an average of 23 items last year and e-Book circulation increased 17% over the previous year. Bethel Park patrons are the 4<sup>th</sup> largest user of eBooks of the 45 Libraries in Allegheny County. The County currently has 80,000 titles for free. Public computer use remained stable and utilization of the Wi-Fi network

increased 14%. The staff answered nearly 47,000 reference questions last year, mostly regarding technology. Youth Service programs had 20,811 attendees and Adult Programs had 5,283 attendees last year.

She announced that the interior painting project in the Library is completed. If you are unable to stop in to see it, you can watch the BPTV broadcast of the Library's Check It Out episode.

The Library is hosting a Mother Daughter Tea Party Fundraiser which will be held on Sunday, March 15<sup>th</sup> at 2:00 p.m. Tickets are two for \$25. There will be an American Girl Doll raffle.

Current programs include the AARP Tax Assistance every Tuesday through April 7<sup>th</sup> from 10:00 a.m. to 2:00 p.m. to help complete income tax forms.

Behavior Problems Seminar for parents and caregivers will be held on Saturday, March 28<sup>th</sup> at 11:00 a.m. Nick Chappell, a Board Certified Behavior Analyst, will discuss simple and effective strategies for reducing problem behaviors.

There will be a gas grill fundraiser raffle. Tickets are \$1.00 each and can be purchased at the Library, Evey Hardware or at BPTV Station. Proceeds will benefit the BPTV Volunteer Scholarship Fund. Drawing will take place at the June 8, 2015 Regular Council Meeting.

For more information on these and the many other programs and services offered by the Library, visit the Library's web site at [bethelparklibrary.org](http://bethelparklibrary.org). You can also follow the Library on Facebook or Twitter.

#### 5. Police Chief's Report

At this time, Mr. Hannan announced that this is Chief David Rogan last Council meeting before his retirement at the end of March. Mr. Hannan congratulated him on a 28-year career with Bethel Park. He said that Chief Rogan began his career in 1987 as a patrolman and moved up the ranks, attended the FBI Academy, and was promoted to Sergeant, then to Lieutenant and last year as the Chief. He thanked Chief Rogan for his service and wished him many good years of retirement and as a resident of Bethel Park.

Chief Rogan said it has been 28 years of many good memories and some sad memories. He said it was a pleasure working for Bethel Park where he lived for over 32 years and will continue to live here and enjoy the community. He thanked everyone for their kind words.

Chief Rogan said that the Crime Watch Program is still actively recruiting new members. The next Crime Watch meeting will be held on Monday, April 6, 2015 at 6:30 p.m. at the Community Center. There are 4 sessions left. He said our new Chief O'Connor has attended several of the meetings and will continue to do so.

Chief reminded residents that the warmer weather has returned and as a result, more children are outside playing and riding bikes along the roadways. He asked that motorists take special precaution driving through the community.

Chief Rogan gave a report on the annual Police Pals vs. Steelers Benefit Basketball game held last Friday night at the high school gymnasium. In the pregame, the Bethel Park Police and Fire Company opposed the Bethel Park teachers with the Police and Fire Company winning. In the Police Pal vs. Steelers game, the Police Pals came in second place. Chief said the event was very successful in raising over \$9,000 with over 600 people in attendance. He offered a special thanks to Allstate Insurance for sponsoring the event as well as donating \$3,500 to the Police Pals Scholarship Program. Chief then listed the prize winners.

At this time, Mr. Hannan introduced to the community our new Police Chief Timothy O'Connor. Mr. Hannan said he comes to us after 35 years of service to the City of Pittsburgh. His last position with the City was as Commander in Zone 5. He said Mr. O'Connor will be a great addition to our team and appreciate him coming to Bethel Park to serve as Police Chief.

Chief O'Connor that he will officially assume full duty as the Bethel Park Police Chief on April 1, 2015. He thanked Council for affording him the opportunity to come to Bethel Park to serve the fine people of this great community.

6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of February.

Chief Gerber reminded everyone that since we changed our clocks ahead one hour on Saturday, it is a good time to replace batteries in your smoke and CO detectors. The detectors should be checked on a monthly basis. Smoke alarms should be installed on every floor of your home. In addition, he reminded residents that if your home catches fire, you should call 911 or 412-833-2000 and immediately exit the home. Families should devise an escape plan as to where they should meet outside so as everyone can be accounted for by the time the fire company arrives.

Chief Gerber thanked Municipal Council for the wonderful Groundbreaking Ceremony for the new station on Brightwood Road on February 28<sup>th</sup>. The contractor moved in equipment and they began moving dirt this week. He also thanked all the dignitaries who attended and spoke at the ceremony.

Chief Gerber announced that the fundraising letters will be in the mail in the next month or so. He wanted to make residents aware that the fundraising is to assist the fire company with equipment, vehicles, training and safety gear.

7. Mayor's Report

Mayor Allen spoke about the Groundbreaking Ceremony and that the contractor is in place and has begun moving dirt.

Mayor Allen introduced Allegheny County Councilwoman Sue Means. Mrs. Means is in attendance to present a proclamation to Officer Tom Rigatti.

Mrs. Means said that she is honored to present an award to Officer Rigatti on behalf of Allegheny County. In his 26 years, Officer Rigatti gave so much to the community including his work with Police Pals, Adopt a Family and most especially his dedication to the late Joey Fabus and the Fabus family. At this time, Mrs. Means read the proclamation outlining Officer Rigatti 26 years including the introduction of the LEAP program, the Police Pals Pittsburgh Steelers Benefit Basketball Game, and reinstatement of the Bethel Park Citizens Police Academy and his help to reestablish the Bethel Park Crime Watch Program and the Children Identification Program. She thanked him for his many years of outstanding service and dedication to the noble precepts of law enforcement to the Bethel Park Community. On behalf of Allegheny County and the Bethel Park Community, she wished him health and happiness in all his future endeavors.

Mayor Allen announced that the Annual Spring Clean Up Event is scheduled for Saturday, April 18, 2015. For more details, residents or groups can contact Michelle Baynham for a list of locations that are in need of attention and to request supplies for your group.

Mayor Allen wished everyone a Happy and Blessed Easter.

8. Approval of Minutes

Regular Council Meeting Minutes of February 9, 2015.

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of February 9, 2015. Motion Carried 7 – 0. Council Members Moury and Pape absent.

9. Special Meeting of February 23, 2015 – Appointment of Bethel Park Chief of Police

Motion by Mr. McLean and seconded by Mr. O'Brien to approve the Special Meeting Minutes of February 23, 2015 – Appointment of Bethel Park Chief of Police. Motion Carried 7 – 0. Council Members Moury and Pape absent.

10. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #030915 in the amount of \$821,985.29. Motion Carried 7 – 0. Council Members Moury and Pape absent.

## 11. Residents' Comments (non-agenda items only)

Bob Swiech, 2848 West Munroe Street

Mr. Swiech said:

“Good evening, my name is Bob Swiech, I live at 2848 West Munroe Street. I’ve been coming before this Council since August 2014 in an effort to acknowledge the mental behavioral treatment houses as the Municipality would like to call them, group homes. These facilities are being placed in secrecy in the Bethel Park neighborhoods. Some neighborhoods like mine there are four, have multiple facilities. But the lack of response of most of the individual members of this Council it is obvious Council as a whole is supporting the advice given by the solicitor and doing absolutely nothing about this situation claiming that Federal Law is being administered. And therefore, these facilities have been placed in our neighborhoods for over twenty years without the knowledge of the residents of Bethel Park. Our neighborhoods are being destroyed from within and either the lawmakers don’t know it or they are just not doing anything about it. I know and I believe in my heart that something can and will be done about the residential mental facilities but that is only part of why I am here tonight. First, let me apologize publicly to Mr. Harrison. I heard him talking about this at several Council meetings, but I actually never paid attention to what he was saying. I was just focused on my own agenda. Mr. Harrison, I apologize and I appreciate everything you are trying to do. Five members of the Bethel Park Council have been placed on the Home Rule Charter Study Commission. These same five members will then vote to decide whether or not any changes will be accepted by Council, if there are any, to be placed on a referendum ballot for the residents to vote on. From the dais, Mr. Harrison stated many times that the Home Rule Charter has been violated when the tax ordinance was placed on the referendum ballot in 2013. Other than innuendo, this charge was never proven wrong. We were told that the solicitor had written a letter supposedly stating this was a legal maneuver. I questioned the violation in any correspondence from Mr. McTiernan in a letter to the Municipality last month. A response has yet to be given to me. After I began listening to what Mr. Harrison was saying, it seemed very strange that five members of Council, the majority of Council members, would be placed on the study commission. Checking a little more, I found that there was no vote taken to assign these members to that study commission. Also from the dais, Mr. Harrison stated it was illegal for the five members of Council to serve on the Council study commission, or the Home Rule Charter study commission. At the October 13<sup>th</sup> meeting last year, he asked Mr. McTiernan if it was illegal. Mr. Hannan, chairing the meeting, first attempted to stop Mr. Harrison from asking the question, then called for a consensus vote by the Council to see if Mr. McTiernan would answer the question. The vote was 6 to 1 for the question not to be answered. Five of the six no votes were from members of Council on the study commission. In my letter I mention about I questioned the legality of five members of Council serving on the study commission and also the legality of those five members voting on any changes that might be submitted to Council by the study commission....”

Mr. Hannan said:

“Can you please conclude your remarks.”

Mr. Swiech said:

“In addition, I wrote to Brandon Colella, Jim Hannan, Paul Dixon, Lorrie Gibbons and Jim McLean and Attorney, all members of the study commission and Mark O’Brien, the six members of Council that voted no. I never got an answer about that, either. I asked about why they voted no and if anyone requested a change in the charter. This question as to the legality of five members of Council....”

Mr. Hannan said:

“Please conclude your remarks.”

Mr. Swiech said:

“serving on the Home Rule Charter has now been answered. I will ask it publicly. Is it legal for five members of Council to serve on the Home Rule Charter Study Commission and then vote on any changes that they submitted by Council?”

Mr. Hannan said:

“Please conclude your remarks. Thank you very much. You will have your answer from us in writing in the next few days.”

Mr. Swiech said:

“I’m done.”

Mr. McLean said:

“Mr. Hannan, if I may. Mr. Swiech, if I can make a request or a suggestion. The Home Rule Study Commission has been meeting for several months. We will continue to meet, and in fact we have a meeting scheduled for next week. And what I would ask you to consider is attending that meeting so that you can witness first hand the work that we’re doing and the way we are going about it. As you correctly noted, I’m the chair of that commission, I was appointed by the President of this Council to that position and I can tell you that I’ve spoken with Mr. McTiernan who’s been the solicitor throughout this process about the constituency of that commission and have been assured by him in my capacity as Chairman that it is proper and it is appropriate. But, if you have concerns about what we are doing....”

Mr. Swiech said:

“(unintelligible) that was not my question.”

Mr. McLean said:

“No, that’s the question I’m saying, your question was is it legal and the answer is yes. And I have satisfied myself in conversations with Mr. McTiernan that it is.”

Mr. Swiech said:

“For you to be chairman or for five members to be on that commission....”

Mr. Hannan said:

“We are not entering a debate here, please control your remarks.”

Mr. Swiech said:

(Unintelligible)

Mr. Hannan said:

“No, No. You’re out of order. You’re out of order.”

Mr. Swiech said:

“(Unintelligible) make a motion to have my time to be extended.”

Mr. Hannan said:

“No. You don’t have a vote up here. Please be quiet or you will be removed from Council Chambers.”

Mr. Swiech said:

(Unintelligible)

Mr. McLean said:

“Mr. Swiech, let me tell you. The constitution of the commission is appropriate. What I’m asking you to do because you seem to have some concerns about what we’re doing is I’m inviting you to attend the meetings so that you can see what we are doing. What we’re doing is we’re looking at the Charter from beginning to end to consider if any changes should be made. We are doing that openly and in public and members of the public are invited to attend, and in fact have attended. So, I would extend the same invitation to you to do that. And I am happy to talk with you at any time about any concerns you have. But what I wanted you to

know is that we are not operating without having considered those things, but I want to tell you that the reason I voted no that day when that motion was made on the floor was because whenever we ask Mr. McTiernan to do a formal legal opinion, it costs the tax payers of this community money to do that and to pay for it. And on previous occasions we had at Mr. Harrison's request, asked Mr. McTiernan to prepare an opinion which then Mr. Harrison refused to accept, and when we did that two years ago, I thought that was an unnecessary expenditure of taxpayer money. And I was not going to vote for it again. But I did not ignore the question. And I am confident that the commission we have formed is properly constituted and is properly doing its job. But again, if you have questions or concerns about it, what I invite you to do is to come to the meetings so you can see what we are doing and share your own concerns. We have been doing it in a very open, public way and will continue to do it that way. I appreciate your concerns, they're legitimate and I want to address them. And that's why I took the time to make these remarks here this evening."

Mr. Swiech said:

"(unintelligible) you took longer than I took to talk. That's all I want to say."

Mr. Harrison said:

"I would like to thank the gentleman for the comments he made. It's sort of rewarding to find out that at least somebody out there is sharing the concerns I share about this Council not being very attentive to the constitution of Bethel Park, the Home Rule Charter. Thank you very much."

## **GENERAL POLICY AND FINANCE**

### 12. Citizens' Comments – General Policy and Finance Items

None

### 13. General Policy and Finance Items

Ordinance – Police Pension Plan

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Ordinance to amend certain provisions of the Municipal Police Pension Plan to update participant contributions and survivor benefits. Motion Carried 7 – 0. Council Members Moury and Pape absent.

Mr. McLean then wanted to note that hopefully with the arrival of the warmer weather that we can say goodbye to winter and spring is here. He said he knows that the Public Works Department was really challenged especially over the last two weeks and they did the best job they could. He said he didn't want Spring to occur without giving thanks and recognition to Mr. Duke and the Public Works Department.

**PLANNING AND ZONING ITEMS**

14. Citizens' Comments – Planning and Zoning Items

None

15. Planning and Zoning Items

Resolution – Bethel Park Retirement Living Sewage Facilities Planning Module

Motion by Mr. Dixon and seconded by Mr. O'Brien to approve the Sewage Facilities Planning Module associated with Application No. 2014-0701, Bethel Park Retirement Living on Keystone Drive. Motion Carried 7 – 0. Council Members Moury and Pape absent.

16. Resolution – Home City Ice Company Sewage Facilities Planning Module

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve the Sewage Facilities Planning Module associated with the renovations related to Home City Ice Company's facility located at 3399 Industrial Boulevard. Motion Carried 7 – 0. Council Members Moury and Pape absent.

**HEALTH, SAFETY AND WELFARE ITEMS**

17. Health, Safety and Welfare Items

No Items

**PUBLIC WORKS AND MAINTENANCE ITEMS**

18. Citizens' Comments – Public Works and Maintenance Items

None

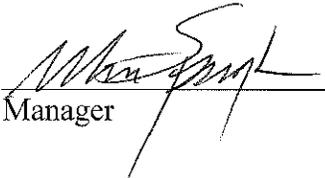
19. Public Works and Maintenance Items

Rejection of 2015 Road Program Bids

Motion by Mrs. Gibbons and seconded by Mr. O'Brien to reject the bids received on February 17, 2015 for the 2015 Road Program. Motion Carried 7 – 0. Council Members Moury and Pape absent.

20. Adjournment

Motion and second to adjourn at 8:10 P.M.

  
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Manager